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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,994	01/31/2001	Masashi Morizane	P107336-00016	8286

7590

02/13/2002

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EXAMINER

MUTSCHLER, BRIAN L

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 02/13/2002

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,994

Applicant(s)

MORIZANE ET AL.

Examiner

Brian L. Mutschler

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Japan on January 31, 2000, and January 16, 2001. It is noted, however, that applicant has not filed certified copies of the 22092/2000, 22094/2000 or 7564/2001 applications as required by 35 U.S.C. 119(b).

Drawings

2. Figure 14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:
- a. On page 1, line 6, the second occurrence of "relates" should be deleted;
 - b. On page 1, lines 12-13, the phrase "developed as energy source for substituting with environmentally harmful fossil fuel" should be changed to "developed as an energy source to substitute for environmentally harmful fossil fuels";

- c. On page 1, line 15, "an" should be changed to "their";
- d. On page 1, lines 15-16, "And the" should be changed to "The";
- e. On page 1, line 18, "on a one side" should be changed to "on one side";
- f. On page 1, line 20, "a" should be inserted before "transparent";
- g. On page 2, line 18, the phrase "withstand in long-term use in the outside" should be changed to "withstand long-term use outside";
- h. On page 3, line 7, "the resin film" should be changed to "resin film";
- i. On page 3, line 8, "to" should be deleted;
- j. On page 3, lines 21-24, and all similar occurrences, "entered through" should be changed to "entering through," and the phrase "can be prevented" should be inserted at the end of the sentence to make it a complete sentence;
- k. On page 4, line 5, "entered" should be changed to "entering";
- l. On page 7, line 15, "are" should be changed to "is";
- m. On page 8, line 5, "to" should be deleted;
- n. On page 8, line 6, "diffuse in an inside of the solar cell" should be changed to "diffuse inside the solar cell";
- o. On page 8, line 14, "from diffusing" should be inserted after "glass";
- p. On page 8, line 23, "defectives" should be changed to "defects";
- q. On page 8, line 25, "and" should be inserted after "characteristics";
- r. On page 9, line 5, the acronym "ITO" should be defined;
- s. On page 9, line 12, the phrase "side of ITO is formed" should be changed to "side is formed of ITO";

- t. On page 9, line 17, "defective" should be changed to "defects";
- u. On page 9, line 17, "characteristic" should be changed to "characteristics";
- v. On page 10, line 22, and all similar occurrences, the phrase "to be 150°C" should be changed to "to 150°C";
- w. On page 11, line 4, "entered" should be changed to "entering";
- x. On page 11, line 7, "ion" should be changed to "ions";
- y. On page 11, line 7, "is" should be changed to "are";
- z. On page 11, lines 16-17, the acronyms PVDF, FEP, ETFE, and PMMA should be defined;
- aa. On page 12, line 17, "an" should be changed to "the";
- bb. On page 12, line 17, the reference character "3" should be inserted after "EVA resin sheet";
- cc. On page 14, line 2, "sides" should be changed to "sided";
- dd. On page 17, line 11, "And the" should be changed to "The";
- ee. On page 18, line 17, the phrase "can be taken longer" should be changed to "can take longer";
- ff. On page 19, line 24, the phrase "first- seventh" should be changed to "first through seventh";
- gg. On page 22, line 2, "or" should be inserted before "polyurethane";
- hh. On page 22, line 11, "a thickness" should be changed to "the thickness";
- ii. On page 25, line 3, the first sentence should be rewritten to clarify the purpose of the statement;

- jj. On page 25, line 12, "module" should be changed to "modules"; and
- kk. On page 25, line 18, "in the" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The term "thin" in claim 5 is a relative term which renders the claim indefinite. The term "thin" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is suggested that the word "thin" be deleted.

7. Claim 7 is rejected because it is indefinite. As it is written, claim 7 could be interpreted as the water transmission preventing layer being located within the sealing resin, or the interval part between the solar cell elements being located in the sealing resin. Claim 7 should be rewritten to distinctly identify the subject matter being claimed.

8. Claim 9 is indefinite because "the water vapor transmission rate" at line 2 lacks positive antecedent support. It should be changed to "a water vapor transmission rate."

Claim Rejections - 35 USC § 102

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

9. Claims 1-3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamagishi et al. (U.S. Pat. No. 6,300,556).

Yamagishi et al. show a solar cell module that has a sodium containing light transmitting member **1**, a rear surface resin film **8** and a plurality of solar cell elements sealed with sealing resin **9** between the front member **1** and the rear surface member **8** (col. 3, line 18; col. 4, line 14; fig. 1). In the solar cell module of Yamagishi et al., the rear surface resin film **8** also functions as the water transmission preventing layer (col. 5, line 59). The light transmitting member **1** is made of soda lime glass, and the rear surface resin film **8** is a transparent resin film made of PVF (col. 7, line 29; col. 8, line 67). The rear surface resin film **8** has a water vapor transmission rate (WVTR) smaller than the WVTR of the EVA sealing resin **9** (see p. 22, line 8 of the instant application for WVTRs).

Regarding claim 7, the rear surface resin film **8** covers the interval part between adjacent solar cell elements (fig. 1).

Since Yamagishi et al. teach the limitations of the instant claims, the reference is deemed to be anticipatory.

10. Claims 1-3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo (U.S. Pat. No. 6,271,053).

Kondo shows a solar cell module comprising a light transmitting member **1** on a front surface side containing sodium, a rear surface resin film **9**, a plurality of solar cell elements **11** sealed with a sealing resin **8** (col. 6, line 58; col. 7, line 31; fig. 1). The rear surface resin film **9** also serves as a water transmission preventing layer (col. 2, line 18). The light transmitting member **1** is made of soda lime glass, and the rear surface resin film **9** is a transparent resin film made of PVF (col. 2, line 18; col. 6, line 58). The rear surface resin film **9** has a water vapor transmission rate (WVTR) smaller than the WVTR of the EVA sealing resin **8** (see p. 22, line 8 of the instant application for WVTRs).

Regarding claim 7, the rear surface resin film **9** covers the interval part between adjacent solar cell elements (fig. 1).

Since Kondo teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi et al. (U.S. Pat. No. 6,300,556) in view of Otani et al. (PG-Pub 2001/0009160 A1).

Yamagishi et al. disclose a solar cell module having the limitations recited in claim 1, as explained above in paragraph 9.

Yamagishi et al. do not disclose the use of an inorganic oxide layer, a nitride layer or a fluoride layer formed on a surface of the rear surface resin film, as recited in the limitations of claim 4 of the instant invention.

Otani et al. teach the use of an inorganic oxide layer on a transparent resin film because "a coating of inorganic oxide is preferably used as a moistureproof layer" over metal layers, which have "a possibility of current leakage" (par. [0042]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided an inorganic oxide layer on the rear surface resin film of Yamagishi et al. because inorganic oxide layers create moistureproof layers while eliminating the possibility of current leakage, as taught by Otani et al. (par. [0042]).

With respect to claim 9, Yamagishi et al. disclose a water transmission preventing layer that is the rear surface resin film. However, Yamagishi et al. do not disclose the layer having a WVTR no higher than $6.3\text{g/m}^2\cdot\text{day}$, as recited in claim 9 of the instant invention.

Otani et al. disclose a resin film that is made of PET to a thickness of 250 μ m, which corresponds to a WVTR of 2.5g/m²·day (par. [0044]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the solar cell module of Yamagishi et al. to use the resin film of Otani et al. as the rear surface resin film because the resin film taught by Otani et al. has a very low WVTR, which would help prevent against performance degradation due to water absorption.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi et al. (U.S. Pat. No. 6,300,556) in view of Jansen et al. (U.S. Pat. No. 6,077,722).

Yamagishi et al. disclose a solar cell module having the limitations recited in claim 1, as explained above in paragraph 9. Yamagishi et al. do not disclose the use of a glass water transmission preventing layer bonded to the surface of the rear surface resin film, as recited in the limitation of claim 5 of the instant invention.

Jansen et al. teach the use of a glass rear layer **44** bonded to a rear resin surface film **46** to "provide enhanced environmental protection for the photovoltaic module" (col. 5, line 27; col. 8, line 61; fig. 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the solar cell module of Yamagishi et al. using the glass water transmission preventing layer taught by Jansen et al. because the glass

layer would "provide enhanced environmental protection for the photovoltaic module" (col. 5, line 27).

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi et al. (U.S. Pat. No. 6,300,556) in view of Haigh et al. (U.S. Pat. No. 6,265,653).

Yamagishi et al. disclose a solar cell module having the limitations recited in claim 1, as explained above in paragraph 9. Yamagishi et al. do not disclose forming the water transmission preventing layer on a plane with the solar cell elements, as recited in the limitations of claim 6.

Haigh et al. disclose a solar cell module having a layer **38** formed on a plane with the solar cell elements **30**, **32** (col. 4, lines 33 and 57; fig. 5). The layers **38** are formed of materials with low WVTRs and electrically isolate the cells from each other (col. 4, line 33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the solar cell modules of Yamagishi et al. to use the layers of Haigh et al. formed on a plane with the solar cell elements because making the modules with water transmission preventing layers on a plane with the solar cell elements would not only provide protection against water, but would also electrically isolate the solar cells from one each other, as taught by Haigh et al. (col. 4, line 33).

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15. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi et al. (U.S. Pat. No. 6,300,556) in view of Matsushita et al. (U.S. Pat. No. 6,222,118).

Yamagishi et al. disclose a solar cell module having the limitations recited in claim 1, as explained above in paragraph 9. Yamagishi et al. do not disclose providing the water transmission preventing layer on an outer side of the rear surface resin film.

Matsushita et al. teach the use of waterproof films **56, 57** on the outer side of each substrate **21, 22** (col. 7, line 61). The waterproof films **56, 57** are used to prevent the substrates **21, 22** from absorbing water (col. 8, line 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the solar cell modules of Yamagishi et al. to use water transmission preventing layers on an outer side of the rear surface resin film because having a water transmission preventing layer on an outer side of the rear film would prevent the rear film from absorbing water, as taught by Matsushita et al. (col. 8, line 5).

Double Patenting

16. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

17. Claims 1-3 and 7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of copending Application No. 09/788339 in view of Yamagishi et al. (U.S. Pat. No. 6,300,556).

Copending Application No. 09/788339 claims "a front surface side light transmitting member containing at least sodium, a rear surface member, and a solar cell element sealed with sealing resin between the front surface side light transmitting member and the rear surface member" (claim 1). Copending Application No. 09/788339 further discloses a front surface side light transmitting member made of glass and a rear surface member formed of a transparent resin film (claims 3 and 5).

Copending Application No. 09/788339 and the instant invention differ because the instant invention requires a plurality of solar cell elements and a water transmission preventing layer.

Yamagishi et al. disclose a solar cell module that has a plurality of solar cell elements sealed with sealing resin **9** between the front member **1** and the rear surface member **8** (col. 3, line 18; fig. 1). In the solar cell module of Yamagishi et al., the rear surface resin film **8** also functions as the water transmission preventing layer (col. 5, line 59). The rear surface resin film **8** has a water vapor transmission rate (WVTR) smaller than the WVTR of the EVA sealing resin **9** (see p. 22, line 8 of the instant application for

WVTRs). The rear surface resin film **8** covers the interval part between adjacent solar cell elements (fig. 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the solar cell module of copending Application No. 09/788339 to use a plurality of solar cell elements because using a plurality of elements would provide additional power. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the solar cell module of copending Application No. 09/788339 with the water transmission preventing layer taught by Yamagishi et al. because the copending Application No. 09/788339 teaches that "a solar cell module should be weather proof in order to withstand long-term use outside" (p. 3, line 7).

This is a provisional obviousness-type double patenting rejection.

18. Claims 4 and 9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of copending Application No. 09/788339 in view of Yamagishi et al. (U.S. Pat. No. 6,300,556), and further in view of Otani et al. (PG-Pub 2001/0009160 A1).

Copending Application No. 09/788339 in view of Yamagishi et al. describes the limitations of claim 1 of the instant invention, as explained above in paragraph 17. The described solar cell module differs from the instant invention because the instant invention claims the use of an inorganic oxide layer, a nitride layer or a fluoride layer formed on a surface of the rear surface resin film, as recited in the limitations of claim 4.

Otani et al. teach the use of an inorganic oxide layer on a transparent resin film because "a coating of inorganic oxide is preferably used as a moistureproof layer" over metal layers, which have "a possibility of current leakage" (par. [0042]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided an inorganic oxide layer on the rear surface resin film of the solar cell module described by copending Application No. 09/788339 and Yamagishi et al. because inorganic oxide layers create moistureproof layers while eliminating the possibility of current leakage, as taught by Otani et al. (par. [0042]).

With respect to claim 9, Yamagishi et al. disclose a water transmission preventing layer that is the rear surface resin film. However, Yamagishi et al. do not disclose the layer having a WVTR no higher than $6.3\text{g/m}^2\cdot\text{day}$, as recited in claim 9 of the instant invention.

Otani et al. disclose a resin film that is made of PET to a thickness of $250\mu\text{m}$, which corresponds to a WVTR of $2.5\text{g/m}^2\cdot\text{day}$ (par. [0044]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the solar cell module described by copending Application No. 09/788339 and Yamagishi et al. to use the resin film of Otani et al. as the rear surface resin film because the resin film taught by Otani et al. has a very low WVTR, which would help prevent against performance degradation due to water absorption.

This is a provisional obviousness-type double patenting rejection.

19. Claim 5 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of copending Application No. 09/788339 in view of Yamagishi et al. (U.S. Pat. No. 6,300,556), and further in view of Jansen et al. (U.S. Pat. No. 6,077,722).

Copending Application No. 09/788339 in view of Yamagishi et al. describes the limitations of claim 1 of the instant invention, as explained above in paragraph 17, but do not disclose the use of a glass water transmission preventing layer bonded to the surface of the rear surface resin film, as recited in the limitation of claim 5 of the instant invention.

Jansen et al. teach the use of a glass rear layer **44** bonded to a rear resin surface film **46** to “provide enhanced environmental protection for the photovoltaic module” (col. 5, line 27; col. 8, line 61; fig. 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the solar cell module described by copending Application No. 09/788339 and Yamagishi et al. to use the glass water transmission preventing layer taught by Jansen et al. because the glass layer would “provide enhanced environmental protection for the photovoltaic module” (col. 5, line 27).

This is a provisional obviousness-type double patenting rejection.

20. Claim 6 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of copending

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Application No. 09/788339 in view of Yamagishi et al. (U.S. Pat. No. 6,300,556), and further in view of Haigh et al. (U.S. Pat. No. 6,265,653).

Copending Application No. 09/788339 in view of Yamagishi et al. describes the limitations of claim 1 of the instant invention, as explained above in paragraph 17, but do not disclose forming the water transmission preventing layer on a plane with the solar cell elements, as recited in the limitations of claim 6.

Haigh et al. disclose a solar cell module having a layer **38** formed on a plane with the solar cell elements **30, 32** (col. 4, lines 33 and 57; fig. 5). The layers **38** are formed of materials with low WVTRs and electrically isolate the cells from each other (col. 4, line 33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the solar cell modules described by copending Application No. 09/788339 and Yamagishi et al. to use the layers of Haigh et al. formed on a plane with the solar cell elements because making the modules with water transmission preventing layers on a plane with the solar cell elements would not only provide protection against water, but would also electrically isolate the solar cells from one each other, as taught by Haigh et al. (col. 4, line 33).

This is a provisional obviousness-type double patenting rejection.

21. Claim 8 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of copending

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Application No. 09/788339 in view of Yamagishi et al. (U.S. Pat. No. 6,300,556), and further in view of Matsushita et al. (U.S. Pat. No. 6,222,118).

Copending Application No. 09/788339 in view of Yamagishi et al. describes the limitations of claim 1 of the instant invention, as explained above in paragraph 17, but do not disclose providing the water transmission preventing layer on an outer side of the rear surface resin film.

Matsushita et al. teach the use of waterproof films **56, 57** on the outer side of each substrate **21, 22** (col. 7, line 61). The waterproof films **56, 57** are used to prevent the substrates **21, 22** from absorbing water (col. 8, line 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the solar cell modules described by copending Application No. 09/788399 and Yamagishi et al. to use water transmission preventing layers on an outer side of the rear surface resin film because having a water transmission preventing layer on an outer side of the rear film would prevent the rear film from absorbing water, as taught by Matsushita et al. (col. 8, line 5).

This is a provisional obviousness-type double patenting rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Mutschler whose telephone number is (703) 305-0180. The examiner can normally be reached on Monday-Friday from 8:00am to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (703) 308-3322. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

blm
February 7, 2002


ALAN DIAMOND
PRIMARY EXAMINER
Tech Center 1700